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In re Application of	:	
KELLY, et al.	:	
Application No.: 10/535,637	:	DECISION ON PETITION
PCT No.: PCT/IB03/05285	:	
Int. Filing Date: 27 November 2003	:	UNDER 37 CFR 1.10
Priority Date: 13 December 2002	:	
Attorney Docket No.: CN 020017	:	
For: METHOD AND SYSTEM FOR LINKING	:	
LEGACY DVD DISKS TO RELATED WEB	:	
SITES	:	

This decision is in response to applicant's correspondence filed 29 August 2006. The correspondence is being treated as a petition under 37 CFR 1.10 to accord a filing date of 20 May 2005 and issue a corrected filing receipt.

### **BACKGROUND**

On 20 May 2005, applicants filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee. No declaration was filed.

On 01 November 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration was required.

On 23 November 2005, applicants filed their response to the Notification of Missing Requirements which included an executed declaration of the inventors.

On 17 March 2006, a Notification of Acceptance (Form PCT/DO/EO/903) was issued identifying the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) dates, as well as the completion of all 35 U.S.C. 371 dates as 23 November 2005. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 23 November 2005.

On 29 August 2006, applicants filed the present petition urging that the Filing Receipt be corrected to indicate a filing date of 20 May 2005, rather than 23 November 2005.

### **DISCUSSION**

The actual filing date of the present application is considered to be the international filing date, 27 November 2003. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry

into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the declaration was filed with the USPTO on 23 November 2005, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 20 May 2005 is not proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 23 November 2005. (Note MPEP section 1893.03(b)).

**CONCLUSION**

Applicant's petition under 37 CFR 1.10 to accord a filing date of 20 May 2005 is **DISMISSED**.

The application will be forwarded to United States Designated/Elected Office for processing in accordance with this decision. Thereafter, it will be returned to Art Unit 2611 for further prosecution.



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